

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION-DAYTON**

Sha'rontanae Valentine,

Plaintiff,

V.

Lincoln Park Associates II Limited
Partnership d/b/a Lincoln Park Manor¹

- and -

Joan Frost,

Defendants.

Case No. 3:21-cv-68

Judge _____

NOTICE OF REMOVAL

Lincoln Park Manor, LLC (hereinafter “Lincoln Park”), by counsel and pursuant to 28 U.S.C. §§1331, 1441 and 1446, hereby gives notice of the removal of the above-styled action to this Court. In support of its Notice of Removal, Lincoln Park states the following:

1. Plaintiff Sha'rontanae Valentine ("Plaintiff") filed this action on January 26, 2021 in the Court of Common Pleas for Montgomery County, Ohio as *Sha'rontanae Valentine v. Lincoln Park Associates II Limited Partnership d/b/a Lincoln Park Manor and Joan Frost*, Case No. 2021 CV 00301 (the "State Court Action").
2. True and accurate copies of all process, pleadings, and orders served, filed, or entered in the State Court Action as of the date of the filing of this removal are attached hereto as **Exhibit A.**

¹ Defendant is incorrectly named as Lincoln Park Associates II, LP d/b/a Lincoln Park Manor. The proper party name is Lincoln Park Manor, LLC.

3. While Lincoln Park contends that the allegations in Plaintiff's Complaint are without merit, Plaintiff's Complaint seeks damages for race discrimination and retaliation under Title VII (U.S.C. §§ 2000(e), *et. seq.*) and Ohio R.C. §4112. (Ex. A, Compl. ¶¶ 55–80.) Plaintiff demanded a jury trial. *Id.* at 11.
4. On January 29, 2021, Lincoln Park was served the Summons and Complaint in this matter.
5. Lincoln Park has not filed an answer or otherwise responded to the Complaint. This Notice of Removal is filed within thirty (30) days of Lincoln Park's notice of the lawsuit and is timely filed under 28 U.S.C. § 1446(b).
6. In accordance with 28 U.S.C. § 1446(a), venue is properly placed in the United States District Court for the Southern District of Ohio because it is the district court for the district and division within which the State Court Action is pending (Court of Common Pleas of Montgomery County, Ohio).
7. Pursuant to 28 U.S.C. § 1441(a), removal of this action is proper because this Court has original jurisdiction on the basis of federal question under 28 U.S.C. § 1331 and supplemental jurisdiction over the remaining state law claims under 28 U.S.C. § 1367.
8. Removal of this action is proper under 28 U.S.C. § 1331 federal question jurisdiction because it is brought under the laws of the United States. Specifically, Counts II and III of this action are brought under Title VII, codified at 42 U.S.C. §§ 2000(e), *et. seq.* (Ex. A, Compl. ¶¶ 68–86.)
9. This Court has supplemental jurisdiction over Plaintiff's state law claims pursuant to 28 U.S.C. § 1367 because the state law claims arise out of a common nucleus of fact and form part of the same case or controversy as Plaintiff's Title VII discrimination and retaliation claims. Specifically, Plaintiff states that the racial discrimination and retaliation she

allegedly experienced in violation of Ohio R.C. § 4112 is the same racial discrimination and retaliation she allegedly experienced in violation of Title VII (U.S.C. §§ 2000(e), *et. seq.*). (*Id.* at ¶¶ 50–54, 61–63, 74–76, 85–86.)

10. Given the facts and circumstances set forth above, this constitutes an action which originally could have been brought before this Court pursuant to 28 U.S.C. § 1331 and may be removed by Lincoln Park herein pursuant to 28 U.S.C. § 1441(a).
11. For all of the foregoing reasons, this Action is removable in its entirety because it falls within this Court’s federal question and supplemental jurisdiction as set forth in 28 U.S.C. §§ 1331 and 1367 and meets all of the requirements for removal under 28 U.S.C. §§ 1441 and 1446.
12. In accordance with 28 U.S.C. § 1446(d), Lincoln Park will promptly provide written notice of the filing of this Notice to Plaintiff.
13. Pursuant to 28 U.S.C. § 1446(d), Lincoln Park will file a duplicate copy of this Notice with the Clerk of the Court of Common Pleas of Montgomery County, Ohio.
14. By virtue of this Notice for Removal, Lincoln Park does not waive its rights to answer the Complaint, to assert any claims or defenses, or to make other motions related to Plaintiff’s claims.

WHEREFORE, Lincoln Park removes this action to the United States District Court for the Southern District of Ohio and requests that the Court of Common Pleas of Montgomery County, Ohio proceed no further with respect to matters at issue in this action.

Dated: February 26, 2021

/s/ Michael W. Hawkins
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*Counsel for Defendant
Lincoln Park Manor, LLC*

CERTIFICATE OF SERVICE

I certify that a correct copy of this Notice of Removal was served by CM/ECF on this 26 day of February, 2021, and by regular U.S. Mail, on all counsel or parties of record and mailed to Plaintiff's counsel at:

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Counsel for Plaintiff

/s/ Michael W. Hawkins
Attorney for Defendant
Lincoln Park Manor, LLC